

**United States District Court**  
for  
**Middle District of Tennessee**

**Report on Offender Under Supervision**

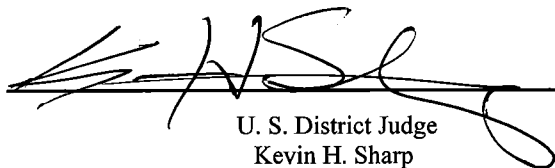
Name of Offender: David Waylon Austell Case Number: 3:13-CR-00132-01  
Name of Judicial Officer: The Honorable Hayden Head, U.S. District Judge, Southern District of Texas;  
transfer of jurisdiction on August 5, 2013, to The Honorable Kevin H. Sharp, U. S. District Judge  
Date of Original Sentence: April 19, 1990  
Original Offense: 21 U.S.C. § 841(a)(1) and 841(b)(1)(B), Possession with Intent to Distribute 103  
Kilograms of Marijuana  
Original Sentence: 60 months' custody; 5 years' supervised release  
Type of Supervision: Supervised Release Date Supervision Commenced: November 5, 2012  
Assistant U.S. Attorney: to be assigned Defense Attorney: to be assigned

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**THE COURT ORDERS:**

- ☒ No Action  
☐ Submit a Petition for Summons  
☐ Submit a Petition for Warrant  
☐ Other

Considered this 9<sup>th</sup> day of Sept, 2014,  
and made a part of the records in the above case.

  
U. S. District Judge  
Kevin H. Sharp

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,



U.S. Probation Officer  
Jon R. Hahn

Place Columbia, Tennessee

Date September 8, 2014

**ALLEGED VIOLATIONS**

The probation officer believes that the offender has violated the following condition(s) of supervision:

**Violation No. Nature of Noncompliance**

**1. Shall not commit another federal, state, or local crime:**

On August 29, 2014, David Waylon Austell was arrested for Driving Under the Influence (DUI) and Implied Consent by the Metropolitan Nashville Police Department, Nashville, Tennessee. According to the affidavit, after detecting an odor of an alcoholic beverage about his person and red blood shot eyes, Mr. Austell was administered several field sobriety tests in which in the officer's opinion, he failed to satisfactory complete. Mr. Austell denied the consumption of any alcoholic beverages. Mr. Austell was offered a breath test, but after three attempts, failed to provide sufficient breath to register. Mr. Austell is to appear in Davidson County General Sessions Court, Nashville, Tennessee, on November 12, 2014.

**Compliance with Supervision Conditions and Prior Interventions:**

This officer spoke with Mr. Austell on August 29, 2014, to discuss the arrest. Mr. Austell advised he had two mixed drinks, each containing two shots of alcohol, around 6:00 p.m. the day before and had not eaten prior to being stopped for speeding around 3:30 a.m. Mr. Austell stated he has sinus congestion and had taken several over the counter medications. A urine screen was taken on August 29, 2014, which was negative for illegal drugs. Mr. Austell will be referred for an alcohol intake and assessment and returned to the general caseload.

Mr. Austell is currently employed and resides with his parents.

**U.S. Probation Officer Recommendation:**

It is recommended that Mr. Austell be continued on supervised release. The Court will be notified of the disposition so it may determine if any further action is necessary.

**PENDING: The U. S. Attorney's Office has been advised of the offender's noncompliance.**

Approved: \_\_\_\_\_

Jim Perdue

Deputy Chief U.S. Probation Officer